

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARLA BEHRMAN, : Index No. 11-cv-3055 (JSR)
Plaintiff, :
-against- : SUPPLEMENTAL
PETER GRAYSON and MERRILL LYNCH, : AFFIRMATION OF ERIC J.
PIERCE, FENNER & SMITH INCORPORATED, : BRENNER IN SUPPORT OF
Defendants. : MOTION FOR SUBSTITUTION
: OF COUNSEL FOR PLAINTIFF
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ERIC J. BRENNER, under penalties of perjury, hereby affirms:

1. I am a member of the law firm of Boies, Schiller & Flexner LLP, attorneys for plaintiff, Marla Behrman.
2. I submit this Supplemental Affirmation in support of Plaintiff's Motion for Substitution of Counsel. The purpose of this Supplemental Affirmation is to clarify Defendants' position on this motion.
3. Specifically, in my Affirmation dated December 9, 2011, I stated: "Existing counsel of record consents to this substitution of counsel." This language was intended solely to mean that existing counsel that was being substituted—i.e., Plaintiff's current counsel, the Law Offices of Stanley K. Shapiro—consented to the substitution of counsel for Plaintiff.
4. Yesterday, counsel for Defendant Grayson pointed out that the language in my prior Affirmation could be construed to mean that Defendants consented to the

substitution of my firm as counsel for Plaintiff. Accordingly, I submit this Supplemental Affirmation to make clear that I did not intend to make any representation about Defendants' position on this motion.

Dated: New York, New York
December 13, 2011

/s/ Eric J. Brenner
ERIC J. BRENNER